

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY SMITH,
Petitioner,

v.

BERNADETTE MASON,
SUPERINTENDENT, SCI-RETREAT,¹
***et al.*,**

Respondents.

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Case No. 19-cv-4432-JDW

ORDER

AND NOW this 30th day of June, 2020, upon consideration of Rodney Smith's Petition for Writ of Habeas Corpus (ECF No.1) and Petitioner's Reply to Court's Order to Show Cause (ECF No. 9), and following careful and independent review of the Honorable Lynn Sitarski's thoughtful Report and Recommendation (ECF No. 10), without opposition from the *pro se* Petitioner, and for good cause shown, it is **ORDERED** as follows:

1. The Court **APPROVES** and **ADOPTS** Judge Sitarski's Report and Recommendation (ECF No. 10);

2. The Petition for Writ of Habeas Corpus (ECF No. 1) is **DENIED** and **DISMISSED**;

3. The Court finds no probable cause to issue a certificate of appealability because the Court finds no basis to concludes that reasonable jurists would debate the correctness of the procedural aspects of this ruling; and

4. The Clerk of Court shall mark this case closed for statistical purposes.

¹ Rule 2(a) of the Rules Governing Section 2254 cases states, "if the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody." Petitioner named "D/A-Philadelphia Co. PA" and "Supt. S.C.I. Retreat" as Respondents. As Petitioner is proceeding *pro se*, this Court, like Judge Sitarski, construes his petition liberally and directs the Clerk of Court to revise the caption to name Bernadette, Mason, Superintendent, SCI-Retreat as the Respondent.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.